

United States District Court

WESTERN DISTRICT OF WASHINGTON

KEVIN M. HAMLETT, et al.,

v.

DEBRA L. STEPHENS, et al

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C11-5785RBL/JRC

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

(1) The Court adopts the Report and Recommendation;

(2) Plaintiff's motion to proceed in forma pauperis is DENIED.

(3) Plaintiff does not have the right to proceed in state court with any civil claim without payment of the filing fee simply because he is indigent. The state court, like the district court, has discretion in deciding to grant or deny in forma pauperis status in a civil case that does not challenge a person's conviction or sentence.

(4) Amendment of the complaint will not cure the defect. Plaintiff simply does not have an absolute right to proceed in forma pauperis on his claims. Further, plaintiff does not have leave to proceed on appeal in forma pauperis.

(5) This dismissal counts as a strike pursuant to 28 U.S.C. §1915(e) and (g).

November 8, 2011
Date

WILLIAM M. McCOOL
Clerk

s/CM Gonzalez
Deputy Clerk